

REMARKS

Claims 1-30 are pending in this application. By this amendment, claims 2 and 17 have been cancelled. Numerous claim amendments have been made in response to the suggestions made by the Examiner, obviating the objections noted on page 2 of the Office action. Further, the Examiner's recommendations for overcoming the rejections under 35 USC 112, second paragraph, have been incorporated into the pending claims, as well as additional amendments to place the claims in proper idiomatic English. The rejection under 35 USC 101 has been obviated, as well, by incorporating the Examiner's suggested language into the preamble of claim 16. Claims depending from claim 16 have been amended for clarity. No new matter has been added by this amendment.

Claims 1 and 4 stand rejected under 35 USC 102(e) as being anticipated by Ogura. This rejection, however, has been obviated by the incorporation of all of the limitations of claim 2 into claim 1 and the subsequent cancellation of claim 2. This rejection should, therefore, be withdrawn.

Claims 1, 2, 4, 5, 7, 8, 16, 17, 19, and 20 stand rejected under 35 USC 102(e) over Nakazawa. As amended, independent claims 1 and 16 includes the limitation (formerly recited in claims 2 and 17) of "an intra-group average calculating unit for calculating intra-group averages of blood pressure data in the blood pressure data groups for the blood pressure data groups with the different measuring conditions". This feature is not described in the Nakazawa reference. The Examiner mistakenly relies on the reference's disclosure at col. 16, lines 39-62 for this feature. Nakazawa teaches the use of a 24 hour average and "a blood pressure value measured in day-time". The latter data point is a single data point. In contrast, the intra-group average function of claims 1 and 16 requires the averaging of data points in multiple groups obtained under different measurement conditions. Succinctly stated, the reference compares an average with a single data point. Claims 1 and 16 recite the comparison of two averages. For this reason, the rejection of claims 1 and 16, and claims depending therefrom, under 35 USC 102(e) should be withdrawn.


Claims 6 and 21 are rejected under 35 USC 103(a) as being unpatentable over Nakazawa. Applicants also wish for the Examiner to consider the attached references to understand the criticality of the time zones set forth in claims 6 and 21. In these references, applicants teach why the claimed time ranges are preferred for monitoring and treating hypertensive diseases. Moreover, the present application and Nakazawa patent were both the subject of a common assignment to Omron Healthcare Co., Ltd. as evidenced by the recorded assignments. If the Examiner finds it necessary to submit a declaration to support this basis for overcoming the rejection (35 USC 103(c)), applicants will be pleased to provide one.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 163852019900.

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Respectfully submitted,

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